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SUBJ: Fake T-Shirts Prompt Rare IPR Conviction in Costa Rica

¶1. In a rare example of intellectual property rights enforcement, Costa Rican judicial officials recently convicted a Costa Rican citizen for distributing trademark counterfeit goods. The woman who was found distributing counterfeit garments with the trademarks "Quiksilver" and "Roxy", was sentenced to a one-year prison term. Because it was her first conviction under Costa Rican criminal procedure the jail sentence was suspended, however, it will appear on her records.

¶2. The attorney representing Quiksilver and Roxy told Econoff that although there have been some convictions in copyright cases, this conviction for trademark counterfeiting is one of the first to succeed in Costa Rican courts. The local media has not reported on this unusual counterfeiting case despite the company's attempts to generate publicity that could act as a deterrent.

¶3. Strengthened IPR enforcement is required by the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR). Once it ratifies the treaty, Costa Rica's legislative assembly must also bring the country's national IPR laws into conformity with CAFTA-DR.

However, it may take more than a strengthened legal regime to improve IPR enforcement. The nation's Attorney General has stated that with limited resources in his office, he does not view enforcement of intellectual property rights as a high priority issue.